

Rogers Lake Land Use Advisory Committee
Administrative Meeting with B.J. Grieve, Flathead County Planning and Zoning Office
March 14, 2006; 9 to 10 a.m.
Earl Bennett Building, Flathead county Planning and Zoning Conference Room

Present: Frank Hanson (Chair), Chris Damrow, B. J. Grieve, Dave Walsh, Linda Winnie

Discussion of how the Development Code is to be enforced in the Rogers Lake Neighborhood.

Grieve explained that the County Planning and Zoning Office has a Planning Technician in charge of enforcement. Complaints or information about possible violations of the Code should be given to this Technician (phone or email). The Technician will contact any other agencies that might be involved to coordinate action, and then to try to resolve the problem. The first step will be to try to gain a cooperative attempt to voluntarily comply with the code. If this is not successful, then suitable enforcement action will be taken.

Grieve cautioned that the process may move slowly because of there is limited staff and staff time available for enforcement issues.

Currently, the Technician in charge of enforcement is George Smith.

Discussion of how the Rogers Lake Neighborhood Plan needs to be augmented to:

- (1) be in compliance with state growth policy law; and**
- (2) be made consistent with the Flathead County Growth Policy (still in the making).**

Grieve emphasized that both (1) and (2) are necessary.

The County currently plans to have its Growth Policy finished by October 1, the deadline set by state law. After the County Growth Policy is completed, the Planning Office will help to bring neighborhood plans in compliance with the state growth policy law and make them consistent with the Flathead County Growth Policy. Neighborhood Plans and Development Codes would remain in force during this period, though they would be vulnerable to law suit.

The task is to bring the Neighborhood Plan into compliance (1) and make it consistent (2). No changes should be made to the Development Code at this time. After the revision to the Plan is completed appropriately, then the Committee will consider whether the Code needs to be changed in light of the revisions made to the Plan.

It is advisable to rework our Neighborhood Plan to bring it into compliance with the state growth policy law even before the County completes its Growth Policy, since that would minimize the work and time it will take to revise the Plan after the County Growth Policy is in place.

The County anticipates having a draft of its Growth Policy completed by mid-June.

Grieve provided to the Committee a "Growth Policy Draft Outline" which can be used to guide the Committee in revising our Neighborhood Plan to make it compliant with the state growth policy law.

The group discussed some detailed aspects of what this Outline indicates for how the Rogers Lake Neighborhood Plan needs to be revised. The following points were made:

- Note item 7, page 2. An attempt will be made to standardize neighborhood plans, including standardizing the size of the area covered by a plan. This will not be retroactive. The area covered by the Rogers Lake neighborhood need not be changed.
- Since our neighborhood is small, many of the topics a growth policy is required to cover will not need an extensive treatment. Some topics will be sufficiently covered by simply noting they are

not applicable to this neighborhood. Some will be covered by simply noting that the Rogers Lake area is subject to the regulations of Flathead County; e.g. “Subdivision in the Rogers Lake neighborhood is subject to the subdivision regulations as administered by Flathead County.”

- In each category of topic, the plan should discuss the relevant characteristics of the neighborhood that currently exist; projected trends with regard to these characteristics; goals for these characteristics, which can be as general as stating a “community vision” – e.g. “protect water quality” or “maintain the rural character of the neighborhood;” and the policies that will be enable the attainment of these goals – e.g. “new buildings should match the rural character of existing structures”, “development or improvement of roads should maintain the rural character of the area.”

Specific suggestions for what should be covered under the different parts of V, pp 1-2.

- a. Identify existing uses: residential, agricultural, commercial (home business), timberlands. Indicated projected trends, goals and policies.
 - b. Indicate the make-up of the neighborhood: age, race, sex; mean, mode and range of housing values. Discuss prospects for easily affordable vs. non-affordable housing.
 - c. Indicate arrangement for recreating on Stoltze and Plum Creek lands. Address such issues as the right to harvest timber and flexibility for development of private timberlands. Grier expressed the opinion that the way the current version of the Rogers Lake Plan handles this is fine – it allows for continuation of traditional uses, allows for development any place in the neighborhood subject to the restrictions in the Code on density, setbacks, open space, etc. These were all worked out by a Steering Committee that had among its members representatives of Stoltze, Plum Creek and DNRC. Currently our Committee includes representatives of Stoltze and DNRC. (And until recently, it included a representative of Plum Creek, who resigned after the lakeshore part of the Plum Creek holdings in the neighborhood were traded to DNRC.) This participation of the private timber companies in the neighborhood and of DNRC (which also holds timber and grazing lands in the neighborhood, and has and probably will be developing lease lots in the neighborhood) is an appropriate way to ensure that the Plan and Code accord with their needs and plans.
 - d. Discuss land values and the economic base of the neighborhood: private timberlands, home businesses, people who commute to work in nearby communities (where do people in the neighborhood derive their income?), retirement incomes. In this connection, might want to talk about the vision of a quiet neighborhood.
 - e. Public facilities are publicly maintained equipment – water treatment facilities, electric stations, etc. Mostly, we have none of these. But the Rogers Lake Association fire wagon and the ALERT helicopter area should be noted in this category.
 - f. This includes roads and fire response. It includes maintenance of the fire wagon (above), and of the ALERT area. Also includes services provided cooperatively by neighbors, e.g. when they pitch in to maintain the private section of Rogers Lane.
 - g. Timberlands, scenic resources, water resources (lake, stream, springs). Most have already been identified in the current version of the Plan.
- Modify sections under VI to fit our needs. Note anything that should trigger an automatic review of the Plan, set thresholds that mark where change is happening faster than anticipated, indicating that a closer look at the goals and strategies of the Plan might be needed. Under e. indicate plans for upkeep of fire wagon, heli-pad (county maintenance).

- Under VII, discuss how private timber companies and DNRC have been involved in process (note representation on Land Use Advisory Committee) that Committee has met (when, who) with Planning Office staff. Can say that the neighborhood interacts with County via Land Use Advisory Committee.

The group also discussed the procedures to be used in the coming months to work on bringing the Rogers Lake Plan into compliance with state law. It should include at least one public meeting involving as many members of the neighborhood as possible. Kila school is a good place for such meetings. Before the meeting, distribute a draft of the revised Plan. Perhaps the annual Neighborhood Association meeting would be a good place for distribution. The Committee needs to be able to show evidence of support for the revised Plan. Keep track of how the process was carried out – record the “when, who, where, how” of meetings or email interaction of Committee, talking to neighbors, distribution of draft, meetings of neighbors. If there are some people who disagree with some portion, hammer out something everyone can live with. There should be an appendix that records all these efforts.

Notes submitted to Committee members and B.J. Grier by email March 14, 2006
by Linda Winnie